

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES of AMERICA) 18-CR-30031
)
)
Plaintiffs,)
)
Vs.) East St. Louis, Illinois
) December 18, 2018
EVELYN JEAN JOHNSON,)
)
Defendant,)

EXCERPTED TRANSCRIPT OF TRIAL, TESTIMONY OF EVELYN JOHNSON,
BEFORE THE HONORABLE MICHAEL J. REAGAN,
UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

For the Plaintiffs: Assistant U. S. Attorney
By: Norman R. Smith
Nine Executive Drive
Fairview Heights, Illinois 62298

For the Defendants: Sandifer Purchase
By: Joslyn R. Anthony
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Court Reporter: Barbara Kniepmann
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Proceedings recorded by mechanical stenography, transcript
produced by computer.

1 (Whereupon the following proceedings were held in
2 open Court, out of the presence of the jury.)

3 THE COURT: Do you want to testify in your case, Miss
4 Johnson? Would you like to testify in your case?

5 MS. ANTHONY: Yes, sir.

6 THE COURT: Okay. So I need you to come up here to
7 the witness stand. The Marshals will escort you up here and I
8 will bring the jurors out. I want to do this out of the
9 presence of the jury, okay? I understand you don't swear,
10 correct?

11 MS. JOHNSON: I prefer not to, yes, sir.

12 THE COURT: Will you affirm? In other words, will
13 you affirm to tell the truth under penalty of perjury?

14 MS. JOHNSON: Yes.

15 EVELYN JEAN JOHNSON, DEFENDANT, AFFIRMED

16 DIRECT EXAMINATION

17 THE COURT: All right. So I'll tell the jury she has
18 been sworn. I don't want them speculating why she didn't take
19 an oath. That is fine. You got to tell the truth. Go ahead
20 and have a seat. Okay, Jeff, bring them in, please.

21 (Whereupon the following proceedings were held in
22 open Court, in the presence of the jury.)

23 THE COURT: Ladies and gentlemen, the Government has
24 rested. Now the defendant is putting on their case. The
25 witness was already sworn. We're ready for the defendant's

1 case.

2 Questions By Ms. Anthony:

3 Q. Miss Johnson, state your name for the record, please.

4 A. Evelyn Jean Johnson.

5 Q. Okay. Prior to this circumstance, how were you
6 employed?

7 A. Prior to this -- confectionary store and I worked part
8 time for Bi-State.

9 Q. How long did you work for Bi-State?

10 A. It wasn't a year.

11 Q. Okay. What about your confectionary store?

12 A. Well, after things started going south, I had to close
13 down.

14 Q. But prior to that -- I am sorry, can you guys hear Miss
15 Johnson?

16 THE COURT: Let me see if I can turn the mike up a
17 little bit.

18 A. Is this better?

19 THE COURT: Much better.

20 Questions By Ms. Anthony:

21 Q. What did you do or sell in your confectionary store?

22 A. I mean candies, cookies, cigarettes, sodas and I
23 started selling little sandwiches to kind of pick up and make
24 more money, but like I say, I didn't own the place. It was
25 not enough to keep up rent, so I had to close it down.

1 Q. Okay. Were you a resident of St. Clair County?

2 A. Yes.

3 Q. All right. Do you have any children?

4 A. I have four, or four biological, and my nephew.

5 Q. How old is your nephew?

6 A. He is nine at this time.

7 Q. Okay. Your other children, your biological children,
8 are adult children, is that correct?

9 A. Yes, they are.

10 Q. During the pendency of both this case and that
11 underlying case -- well, strike that. During the pendency of
12 the underlying case, were you primarily responsible for your
13 nephew?

14 A. Yes.

15 Q. Okay. Was there any other person you were primarily
16 responsible for?

17 A. My mother.

18 Q. Okay. Now Miss Johnson, you understand the reason why
19 we're in Court today, is that correct?

20 A. Yes, I do.

21 Q. All right. Do you recall on January 29th of this year
22 of 2018 that you were sentenced in an underlying charge, is
23 that correct?

24 A. Yes.

25 Q. All right. What do you recall about your sentence, or

1 what your sentence was?

2 A. The events during sentencing?

3 Q. Yes.

4 A. I was -- know from what the Judge said that she was
5 sentencing me to 18 months.

6 Q. So you do recall that the Judge said she was going to
7 sentence you to 18 months, is that correct?

8 A. Yes.

9 Q. Did she tell you or give you any other information that
10 you could expect with regard to -- strike that. When she
11 sentenced you, did the Judge require that you remain in
12 custody?

13 A. No.

14 Q. Okay. Do you recall that she indicated that you would
15 be released?

16 A. I think she called it self surrender.

17 Q. Okay, self surrender, okay. Did she tell you to expect
18 or anticipate anything prior to your self surrender?

19 A. I would like to believe -- I mean the way she was
20 talking that I should have gotten information as to where I
21 was going, especially after she said that -- I know the lawyer
22 recommended me to a certain facility and she made it clear
23 that it was just a recommendation and that I should expect
24 something in the mail as far as -- she was not positive that I
25 would be going there.

1 Q. Okay. Miss Johnson, what I am showing you is a copy of
2 the transcript from January 28th. That is the day you were
3 sentenced, page 37. I would like you to read lines eight
4 through ten, which is just that one sentence that is there.

5 A. "If you are allowed to voluntarily surrender, that
6 means you go home today and you will get a letter in the mail
7 as to when and where you are to report."

8 Q. What did you take that to mean?

9 A. To expect a letter in the mail to where I needed to go.

10 Q. Okay. Now Isaac Huddleston testified that he indicated
11 to you when and where you were to report. Is that correct?

12 A. After questioning him, yes.

13 Q. So let's go back a little bit. Once you were
14 sentenced, did you follow-up with Isaac Huddleston that day?

15 A. I did.

16 Q. Okay. What did he inform you that day?

17 A. He informed me that it would be -- I'm not sure, but I
18 know it would be 30 days or more. He said sometimes it may be
19 up to 60, but whatever the case was, he would have all of the
20 paperwork that I needed and he mentioned that there was
21 paperwork that would need to be signed that he would get it to
22 me and I have to send it back to him after I signed it. He
23 gave me more paperwork. I'm not sure, I forget what it was,
24 but it had to do with I guess what goes on inside of a prison.

25 Q. The ABCs?

1 A. Right.

2 Q. So he did tell you what to expect when you got there,
3 is that correct?

4 A. He gave me the paperwork, yes.

5 Q. Then he told you to anticipate more paperwork, is that
6 correct?

7 A. Yes.

8 Q. Following that conversation, did you proceed home?

9 A. I would like to assume that I did.

10 Q. Okay, shortly after?

11 A. Yes.

12 Q. You were still on a leg monitor, is that correct?

13 A. Yes.

14 Q. You remained on a leg monitor up until the point that
15 you were arrested, is that correct?

16 A. Yes.

17 Q. Okay. Now do you recall exchanging correspondence with
18 Isaac Huddleston via e-mail?

19 A. I don't believe I have ever exchanged anything. I sent
20 e-mails. It may be because I had at one point during the
21 summer I had all of my grandkids with me. I think that was
22 part of the reason he allowed me to start e-mailing. I didn't
23 have the proper transportation to get down there at some
24 point. But anyway, I did start e-mailing. I don't remember
25 him corresponding back. The one time, as I was saying -- as a

1 matter of fact, when I sent him all the information about my
2 kids, my grandkids I was home schooling all at the same time.
3 He told me he needed all of that information. That is why
4 that was in the e-mail.

5 Q. Okay. But you don't, as you sit here today, recall his
6 actively sending you e-mail back?

7 A. I don't believe we -- other than -- I don't ever
8 remember -- we didn't do correspondence back and forth. It
9 was just me sending him the report.

10 Q. So then how was the majority of your communication with
11 Isaac Huddleston?

12 A. Maybe when he did his monthly reports we did a walk
13 through, so between that and me sending him monthly reports,
14 that was basically it.

15 Q. So you would communicate with him face to face?

16 A. Uh huh.

17 Q. And over the telephone?

18 A. Not over the telephone.

19 Q. Not over the phone, okay. Mainly face to face?

20 A. It was face to face. Face to face when he came out to
21 the house.

22 Q. Okay. Now ultimately Mr. Huddleston indicated that or
23 testified that he, on the day you were to surrender, provided
24 you with paperwork that indicated where you were supposed to
25 go.

1 A. He probably -- yeah, he brought that letter to me.

2 Q. Okay. And did you note to him there was an error on
3 that letter?

4 A. Yes, I did.

5 Q. Explain how that conversation went.

6 A. I was going to go ahead and sign the letter until I
7 noted the mistake on there and through school, everywhere else
8 with the jobs I had, your name have to be right on there.
9 That is not an error you can overlook. It wasn't my name and
10 I didn't feel comfortable signing it.

11 Q. Did you articulate to Mr. Huddleston you did not feel
12 comfortable signing it?

13 A. Yes, I did.

14 Q. Now there has been a number of different articulations
15 with regard to your position regarding your citizenship, okay?

16 A. Yes.

17 Q. My question to you is, do you have trouble or an issue
18 with following the laws of this country?

19 A. I have never had trouble following the laws.

20 Q. Okay. Was it your intent to follow the law here?

21 A. Yes.

22 Q. What was the issue that you had with reporting?

23 A. The law says, from what I understand it, that the
24 notice provided was to be in writing or verbally and in
25 writing. So -- and from the transcript I was expecting like

1 -- honestly I don't remember what would happen until I read
2 the transcript, but I was supposed to expect it in the mail.
3 Anything legal should have to be on paper and signed and
4 according to the transcript, again, I should have expected
5 that in the mail to show me where to go with the order and
6 indicates that I should have signed that as to let the Judge
7 know, I guess you would get a copy of it back, but have that
8 signed indicating that the probation officer had actually
9 given me all of the copies of the order.

10 Q. Now your previous interactions with the Court, you at
11 different instances you had signed your signature to different
12 documents, is that correct?

13 A. Two that I can remember.

14 Q. Okay. One was the order setting the conditions of
15 release, is that correct?

16 A. That was in October of I think 2015, the one initially
17 on initial Court.

18 Q. That is your signature there, is that correct?

19 A. That is a copy of my signature.

20 Q. Copy, I apologize. Is that a copy of your signature?

21 A. Yes.

22 Q. And you were given an oral pronouncement of those
23 conditions, is that correct, or do you recall?

24 A. I think I do recall the one. I remember the firearms
25 part so I can say yeah, I had an oral.

1 Q. Then that oral pronouncement was followed by this
2 written writing, is that correct?

3 A. Yes.

4 Q. Okay. So did that kind of set your expectations as to
5 the way information would be given to you?

6 A. Yes. I mean that's the only way I expected it to come.
7 Any legal information, any medical information has got to be
8 on paper, so yeah, that's just normal. Yes.

9 Q. Okay. So your expectation was that you receive a
10 writing, is that correct?

11 A. Yes.

12 Q. And here were you waiting on a writing? In this
13 instance with regard to your -- to when and where you were
14 supposed to surrender -- a proper writing of when and where
15 you were supposed to go?

16 A. Paper copy of the order of surrender, yes.

17 Q. Okay. Did Isaac Huddleston ever tell you that you
18 could report to the Bureau of Prisons, or I believe in this
19 instance, Greenville, without that writing?

20 A. No.

21 Q. Okay. What did you believe was the significance of
22 that writing?

23 A. The significance would be to show -- well, first of
24 all, that I didn't show up just out of the blue, but to give
25 or show evidence that for them that I showed up when I was

1 supposed to show up. I mean me showing up without paperwork
2 is like how do I tell you why I am here. Other than me
3 supposed to be expecting, you know, paperwork -- like I said,
4 in other words, like I said, copy for my records, copy -- I
5 mean even -- I'm not sure whether I should elaborate or not,
6 but the code say I should have had a copy to take myself to
7 prison to give to the guards.

8 Q. Miss Johnson, one final question regarding your
9 surrender. Was it your intent to ignore an order of the
10 Court?

11 A. I never received the order of the Court. I thought
12 that's what this was about. The order of the Court was the
13 paper copy I was expecting to be able to sign. Like I said,
14 according to the transcripts, no, it wasn't my intent. Still
15 not my intent.

16 MS. ANTHONY: Okay, thank you. No further questions.

17 THE COURT: Mr. Smith?

18 CROSS EXAMINATION

19 Questions by Mr. Smith:

20 Q. Good afternoon.

21 A. How are you doin'?

22 Q. Fine. Have you ever lied in Federal Court under oath?

23 A. I don't think I have ever been in Federal Court.

24 Q. Well, you have been in Federal Court a number of times.
25 You were in Federal Court for your prior proceeding, correct?

1 A. Oh, okay. I guess I did just lie.

2 Q. Let me go through it. In that proceeding you pled
3 guilty to 28 counts of aiding and abetting the false
4 preparation of tax returns, correct?

5 A. Yes, I did I think, yes.

6 Q. In that proceeding under oath you told Judge
7 Rosenstengel you would report as directed, did you not?

8 A. Like I said, I may. I can't say I didn't. I don't
9 know. I know I remember the 18 months, but I don't remember
10 under oath anything else. I can't say it did. I don't know.

11 Q. Do you remember being before Magistrate Judge Proud at
12 the arraignment on the current charges?

13 A. That was the first day in Court?

14 Q. It was Magistrate Court. After you were arrested, you
15 were brought before the U.S. Magistrate Judge. Do you
16 remember that?

17 A. Yes, I guess.

18 Q. March 7th of 2018?

19 A. Oh, okay. Yes.

20 Q. And you will see here where the courtroom deputy asked
21 you to raise your right hand and you were sworn. Do you see
22 that right there?

23 A. Yes, I see that.

24 Q. Do you remember being sworn at your arraignment?

25 A. I honestly don't.

1 Q. Do you recall promising to tell the truth?

2 A. I know I -- he actually asked me about -- I remember
3 him asking me about the reading.

4 Q. At the arraignment were you given a copy of the
5 charges?

6 A. Yes.

7 Q. To ask if you understood the charges. Do you recall
8 that?

9 A. I don't know. There was two judges. There was one
10 judge I went before where you talk about I guess the
11 complaint. Is this -- there were two judges, so where --

12 Q. While you were under oath, did you indicate to the
13 Judge you're not the accused, that is not my name?

14 A. I believe I did.

15 Q. Again later did you tell the Court you are not that
16 Evelyn Jean Johnson?

17 A. The proper noun is my name.

18 Q. Excuse me?

19 A. You are saying this right here?

20 Q. That is the transcript. Do you recall telling the
21 Court while you were under oath that you are not the defendant
22 Evelyn Jean Johnson?

23 A. Yes.

24 Q. Isn't that a lie? Wasn't that a lie to the United
25 States Judge when you told him while you were under oath you

1 are not Evelyn Jean Johnson?

2 A. The name that is on the Indictment?

3 Q. Yes, ma'am.

4 A. Can you turn that? Is that the Indictment?

5 Q. No, this is a transcript. Did you understand you were
6 being accused of failure to surrender for service of sentence?

7 A. Yes.

8 Q. Did you persist that you are not the person being
9 accused of a crime?

10 A. Yes. In upper case -- can you turn it back for a
11 second? What is that right there, where it says Mrs. Johnson?
12 Where was that -- yes, right there. That is what I was
13 talking about.

14 Q. When you told the Judge while you were under oath that
15 you are not the person being accused of a crime?

16 A. Yes, sir, I guess. Yes, sir.

17 Q. Are you telling the Court and this jury that is not a
18 false statement?

19 A. That I am not Evelyn Johnson in the upper case, Evelyn
20 Jean Johnson?

21 Q. I show you Government Exhibit 3. Do you see the order
22 setting conditions of release?

23 A. Yes.

24 Q. You have been shown this before. Do you see Government
25 Exhibit 3, the order setting conditions of release pertaining

1 to Evelyn Jean Johnson?

2 A. Yes.

3 Q. Is that in the upper case?

4 A. Yes, it is.

5 Q. Is that you?

6 A. No, it is not.

7 Q. Well, so you could get out of jail, did you acknowledge
8 and sign those conditions of release as Evelyn Johnson?

9 A. So I could get out of jail?

10 Q. Well, in order to get out of jail you have to be
11 released on bond, correct?

12 A. I hadn't been to jail then.

13 Q. Well, if you weren't ordered released they were going
14 to keep you.

15 A. This was October 9th of 2015.

16 Q. That is your signature?

17 A. That is a copy of my signature.

18 Q. All right. Do you dispute that you signed the
19 original?

20 A. Do you have the original that I can see?

21 Q. No, this was filed in the Court. This is an official
22 document, part of the official record. Do you dispute that
23 you signed this document, the original, and that is the exact
24 replication, a copy of your signature?

25 A. No, I don't if that's an exact copy of my signature on

1 that document.

2 Q. Where it talks about writing. Do you see Government
3 Exhibit 6?

4 A. Yes.

5 Q. All right. Did you get that e-mail?

6 A. No, not that I recall.

7 Q. Oh, you didn't get that e-mail?

8 A. No.

9 Q. Oh. Now let me show you Government Exhibit 5. Did you
10 get that e-mail the day before?

11 A. No. Well, let me rephrase that. I didn't get it to
12 the point that I opened it and read it then.

13 Q. So who read it?

14 A. This seems like we're corresponding. I didn't, no.

15 Q. Did you read the e-mail?

16 A. No, I don't. I didn't read the e-mail.

17 Q. So after Isaac Huddleston sent this e-mail, he was
18 finally able to communicate with you on that day and you
19 apologized to him and indicated you had been getting his
20 e-mails and his phone calls?

21 MS. ANTHONY: Objection, Your Honor.

22 THE COURT: Wait a minute, I've got an objection. I
23 have to rule on it.

24 MS. ANTHONY: He is testifying for the witness. I
25 don't believe he should testify.

1 MR. SMITH: I'll rephrase it.

2 THE COURT: It's cross examination. Go ahead.

3 Questions By Mr. Smith:

4 Q. Do you recall Isaac Huddleston's testimony regarding
5 his contact with you by telephone on February 26th?

6 A. Yes.

7 Q. After he had sent the e-mail, do you recall advising
8 him that you received phone calls and did not call back
9 because you were asleep?

10 A. No, I don't.

11 Q. You don't recall that? On February 26th do you recall
12 promising to follow the directives of U.S. Probation Officer
13 Huddleston that you would report to the United States Marshal
14 Service the following day?

15 A. Where are you looking at?

16 Q. "Defendant noted that she would report to U.S.
17 Probation after meeting with the U.S. Marshal Service.
18 Defendant noted she would report to U.S. Marshal Service
19 tomorrow at 10:00."

20 A. I didn't send an e-mail with that.

21 Q. That was a phone call. It was not an e-mail. Do you
22 recall promising Isaac Huddleston you would follow his
23 directives and report to the U.S. Marshal Service?

24 A. Is this about him calling me? He called me one day
25 about fingerprints and my concern was why would I need to go

1 get fingerprints, we have already done that, and he couldn't
2 answer me. Otherwise, I don't think so.

3 Q. So you didn't promise you would go?

4 A. Promise? No.

5 Q. All right. Did you indicate you would go?

6 A. I think on the first time he asked me, yes.

7 Q. Did you go as you indicated that you would?

8 A. No. I'm not sure what happened.

9 Q. On February 27th -- do you see this? "Defendant
10 advised that she would comply." Do you recall having another
11 conversation on the phone with U.S. Probation Officer Isaac
12 Huddleston that you would comply and go up to the U.S. Marshal
13 Service and Probation?

14 A. I don't think so. I think that was on the same day. I
15 know when it came to plumbing, my water pipes had burst. So I
16 don't recall it being two separate days.

17 Q. All right. Do you recall promising you would comply
18 with the directive?

19 A. I did not promise. I had told him -- I mean --

20 Q. You indicated that you would do it?

21 A. From the initial call, yes. He called -- well, no --
22 because he called me asking me about telling me to come in
23 because the marshals needed fingerprints and my question was
24 why do they need fingerprints, but I don't think -- I am
25 pretty sure I didn't tell him I was coming in to do no

1 fingerprints but I don't --

2 Q. While you are on bond, do you think that is your
3 judgment call to be able to ignore a U.S. Probation officer's
4 reasonable directives and say I am not going to comply?

5 A. They give me directives on paper like I was expecting
6 with a signature that make somebody responsible for requesting
7 -- I got no problem with that. I never had a problem.

8 Q. Do you recall when Judge Rosenstengel directed you to
9 be present the morning of the start of trial, do you recall,
10 and you weren't there?

11 A. I was 15 minutes late.

12 Q. No, you were not.

13 A. What do you mean? It was supposed to be at 9:00
14 o'clock. I was there at 9:15. Am I missing something?

15 Q. Wasn't it late morning?

16 A. No, it was 9:15.

17 Q. So you are saying the U.S. District Judge would issue a
18 warrant for arrest, have you arrested, if you were 15 minutes
19 late?

20 A. I don't know what she would have done, but I am saying
21 I was 15 minutes late. I was sitting there with my nephew,
22 sitting there waiting and the Marshal come. It was later that
23 the Marshal came and told me I was under arrest and I asked
24 him why. He says failure to appear. Maybe failure to appear,
25 but I asked him about a warrant he said something about

1 getting it later, he didn't have a warrant. Then I remember
2 something, but, yes.

3 Q. When the Judge told you to appear, that was an oral
4 pronouncement, wasn't it? That wasn't in writing?

5 A. I don't understand oral pronouncement. All I
6 understand is writing.

7 Q. You didn't understand when Judge Rosenstengel directed
8 you to appear at the start of trial, the jury trial in that
9 matter, you didn't have to comply because you were going to
10 wait for a letter?

11 A. No, that's not what I'm sayin'. I'm sayin' I'm new to
12 this. That was my first time in trial, so I have a lawyer and
13 as far as I know and understand, that was my lawyer's job to
14 make sure he had everything in order. I don't know.

15 Q. Well, it's your job to make sure you follow the Court's
16 directives.

17 A. Now I understand a little bit. I didn't understand
18 that then.

19 Q. You didn't understand that you had to follow the
20 Court's directives?

21 A. Not if you get a directive through my lawyer.

22 Q. When the Judge addresses you in Court and tells you to
23 be at Court at 9:00 o'clock for the start of trial, do you
24 think that doesn't pertain to you, that pertains to the
25 lawyer?

1 A. Okay, I was not late on purpose if that's what you are
2 saying, but I didn't understand that you could not be late. I
3 later found out no, you cannot be late. You can call and say
4 I have issues with being there, but you cannot be late. I
5 didn't understand that. My lawyer didn't make me understand
6 that. My lawyer was there. I wasn't, but he didn't make me
7 understand that being my representative.

8 Q. It was the lawyers' fault?

9 A. Yes.

10 Q. Now do you recall U.S. Probation Officer Isaac
11 Huddleston going to your house in the early morning prior to
12 your report date, your report time?

13 A. They came to do -- I think it was a walk around that
14 day.

15 Q. I am sorry?

16 A. He did his normal reporting thing on that day.

17 Q. So he came to your house?

18 A. Yes.

19 Q. All right. And you indicated you didn't get the
20 e-mail, correct, directing you to appear at Greenville?

21 A. Yes, I never read an e-mail.

22 Q. In fact, wasn't this the location that your lawyer had
23 asked the Court at sentencing to recommend?

24 A. Yes, I read in the transcript.

25 Q. You actually got what the Court recommended?

1 A. What is the question?

2 Q. Didn't you ask to be placed at the Greenville camp?

3 A. No, I didn't ask that. That was the suggestion between
4 my lawyer and the Judge.

5 Q. You didn't have anything to do with it?

6 A. I don't have anything to do with that. I don't know
7 anything about prison to know where to want to go.

8 Q. And Government Exhibit 7, this is from the Marshal's
9 Service, correct?

10 A. That is what it says, yes.

11 Q. So Evelyn Johnson, and that is your address, right?

12 A. 459 -- yes, it was then.

13 Q. That is the Evelyn Johnson that is you, the Evelyn
14 Johnson, correct?

15 A. That is me, correct.

16 Q. Doesn't it say it is hereby ordered that Evelyn
17 Johnson, and your number, the defendant, having been sentenced
18 by the Court, is hereby ordered to surrender to the
19 authorities at Greenville SCP, meaning the camp at the
20 designated address, by Wednesday, February 28th of 2018 by
21 1:00 p.m.? Doesn't it say that?

22 A. That is what it is reading, yes. That is what I would
23 have expected something like that in the mail. That is
24 something I never got.

25 Q. So if it is handed to you as opposed to coming in the

1 mail, what is the difference?

2 A. The version that was handed to me right here, that is
3 not my name.

4 Q. I understand. That is an acknowledgment.

5 A. Acknowledgment of what? That if I don't surrender, if
6 I don't do this then I can be punished?

7 Q. Well, you actually acknowledged it on February 28th.
8 Didn't you advise U.S. Probation Officer Isaac Huddleston you
9 would surrender to the U.S. Marshal Service at 1:00 p.m.?

10 A. I didn't acknowledge that letter.

11 Q. No, it says you were given a copy of the letter. Did
12 you get a copy of the letter?

13 A. Yes, I did.

14 Q. Okay. Did you advise you would surrender to the United
15 States Marshal Service at 1:00 p.m.?

16 A. Not that day. Is this the 28th? That is when he
17 brought the letter out.

18 Q. Correct, in the morning. You were supposed to be there
19 by 1:00, correct?

20 A. That is what he said.

21 Q. Well, that is not only what he said, that is what the
22 letter said, that is what the e-mail said, that is what he
23 said over and over since February 8th, is that not correct?

24 A. So I'm confused right now.

25 Q. Well did you or did you not tell U.S. Probation Officer

1 Isaac Huddleston on the morning of February 28th you would
2 turn yourself in to the United States Marshal's Service?

3 A. No, I did not.

4 Q. So you are saying that Isaac Huddleston, U.S. Probation
5 Officer, is wrong?

6 A. The only discussion there was about the U.S. Marshal
7 Service was about fingerprinting.

8 Q. You indicated on direct exam you have never had trouble
9 following the law?

10 A. I don't.

11 Q. All right. Did you have trouble following the law when
12 you were preparing false tax returns for various individuals?

13 A. No, I don't. As a matter of fact, I was following the
14 law.

15 Q. Well, okay. Let's go down that road. If you were
16 following the law, why did you plead guilty to 28 counts of
17 filing, aiding and abetting in the false preparation of
18 federal tax returns?

19 A. Because on the morning of my arrest, the morning that I
20 showed up 15 minutes late to Court, I was arrested. I had my
21 nephew with me. I had my 88 year old mother at home, which I
22 could not leave at home more than two hours. She is disabled.

23 Q. So you are saying you pled guilty not because you were
24 guilty?

25 A. No, I was arrested that night.

1 Q. Pardon me. Do you remember at the plea raising your
2 right hand, swearing to tell the truth before a Federal
3 District Judge Rosenstengel, you were under oath and you
4 admitted the allegations in the Indictment under oath?

5 A. I am not denying that. I pled guilty.

6 Q. Was that a lie?

7 A. But the reason --

8 Q. Was it a lie when you pled guilty?

9 A. Under duress, under coercion, yes. But I don't
10 remember raising my hand. If I did, that's my fault,
11 whatever. I take responsibility for that, but --

12 Q. So it is okay to lie unless you raise your right hand
13 to a Federal District Judge?

14 A. It is not okay to lie, but again, I had a lawyer that
15 you and Judge Rosenstengel was telling me you have to have a
16 lawyer.

17 Q. So it is the lawyer's fault you pled guilty?

18 A. Yeah, basically, because the lawyer should be advising
19 me on what I need to do.

20 Q. Right. You are the one that raised your right hand?

21 A. I raised my right hand and during me pleading guilty to
22 29 counts, neither the Judge nor the lawyer said I didn't have
23 to plead guilty. They didn't tell me I could have went home
24 and still took care of my parent and my child. I thought that
25 was the only option for me at that time. They didn't inform

1 me of the -- I am just as inexperienced as the jury is. You
2 guys got the experience. You're using that against me.

3 Q. Did you promise -- let me do it this way. Were you on
4 bond following your sentencing?

5 A. I was told, according to the transcript -- I'm still
6 understanding bond. The initial bond paper was signed,
7 according to what I just saw, October of 2015. I had not
8 signed another bond or I see where it changed. That is the
9 only bond I ever signed. Apparently I had failure to appear
10 twice, so I don't know how bond works.

11 Q. So you don't know whether or not you were on bond
12 pending -- following your sentencing, pending your voluntary
13 surrender?

14 A. I don't know. I didn't realize anything, like I said,
15 until I got a copy of the transcript. That was not immediate.
16 I didn't get that until --

17 Q. Was the fact that the Judge required you to have
18 electronic monitoring while you were at your house a clue that
19 you were on bond?

20 A. I had been on electronic monitoring since the day after
21 trial. It just didn't happen just now. It had been over ten
22 months that I was on electronic monitoring. I think that
23 happened maybe the time that you are saying I failed to appear
24 when I had my nephew with me. It was from that point before I
25 even went through trial. So I mean I don't know what

1 you're --

2 Q. Do you recall Judge Rosenstengel ordering you to
3 voluntarily surrender as notified?

4 A. No. Voluntary surrender as notified? Yes, as notified
5 by -- I don't know. I can't say that. I don't know if that,
6 that read --

7 Q. There is nowhere in there it says certified letter,
8 does it?

9 A. Yes, it is.

10 Q. It says letter. It doesn't say certified.

11 A. What letter? I mean --

12 Q. You were handed a letter. You were notified over and
13 over.

14 A. I got -- I didn't get a letter in the mail. It did say
15 mail. Since we're getting technical, it did say mail. It
16 didn't say just letter and notification, but --

17 Q. Well, if you didn't believe that you were required to
18 surrender, why did you promise to Isaac Huddleston that you
19 would surrender?

20 A. I never didn't not believe that I wasn't required to
21 surrender. I would have surrendered.

22 Q. Well you told him you were going to report to the U.S.
23 Marshal's Service by 10:00 o'clock on February 28th and you
24 didn't do it.

25 A. I was told to expect the order where I had to sign and

1 get it returned and that didn't happen, so that's what I was
2 expecting.

3 Q. Did you tell Isaac Huddleston that on February 28th?

4 A. About what?

5 Q. That you weren't going to report unless you got a
6 different letter. Did you ever tell him that?

7 A. Being that is a normal part of your everyday job to --
8 how can I put this. No, I did not.

9 Q. You didn't tell him you would surrender?

10 A. I don't know what I'm doing -- I'm going by what is --

11 Q. See what's on the screen?

12 A. Where you at? Do you see a refuse to sign?

13 Q. You advised that you would surrender to the U.S.
14 Marshal's Service at 1:00 p.m.?

15 A. I don't remember that. I don't remember saying those
16 words. The last thing I remember was --

17 Q. So you have no intention -- I am sorry. Therefore, you
18 had no intention of reporting to the U.S. Marshal's Service on
19 February 28th?

20 A. I had every intention to report.

21 Q. I can't hear you.

22 A. I had every intention of reporting. You mean to the
23 Marshal?

24 Q. To the U.S. Marshal's Service as you indicated --

25 A. Upon notification, proper notification, like I was

1 expecting, but even with that letter, again, I would have
2 surrendered had he went and got the letter corrected. I
3 mentioned that to him.

4 Q. You mentioned that to him?

5 A. The day he was standing at my door with the letter.

6 Q. Does it say anywhere in there you mentioned it to him
7 or does it say you promised you would report to the U.S.
8 Marshal?

9 A. Does it say I promised to report?

10 Q. Yes, it does.

11 A. Can I see it again where it says I promised to report,
12 because I didn't promise to report. I know I didn't actually
13 sign the letter. That was because, again, my name wasn't
14 there. I pointed that out to him. Where does it say promise
15 to report?

16 Q. You advised that you would surrender to the U.S.
17 Marshal's Service at 1:00 p.m.

18 THE COURT: Counsel, there were several times she
19 takes issue with the word "promise".

20 Questions By Mr. Smith:

21 Q. Did you indicate you would report?

22 A. No. On that date after that letter I do not recall
23 advising him that I would report.

24 MR. SMITH: No further questions.

25 THE COURT: Counsel?

1 REDIRECT EXAMINATION

2 Questions by Ms. Anthony:

3 Q. Now Miss Johnson, you still take issue with the fact
4 that on several Court documents, including the Indictment,
5 your name appears in capital letters, is that correct?

6 A. Yes.

7 Q. And as you see, your name in capital letters, it is
8 your position that that is not -- that does not properly
9 reflect who you are, is that correct?

10 A. That and the two different spellings, yes.

11 Q. Okay. So when you were making articulation to the
12 Court that as you were being shown the Indictment with your
13 name in caps, you were not Evelyn Jean Johnson, was it, in
14 fact, because your name appeared in all caps? Is that
15 correct?

16 A. Yes.

17 Q. And that in other instances where you have seen your
18 name with the capital letter first followed by lower case
19 letters, that you have no problem indicating that is indeed
20 you, Evelyn Jean Johnson?

21 A. I have no problem.

22 Q. So on certain documentation where it shows your name,
23 your first letter of your name in caps, but then the rest in
24 small lettering, you have acknowledged that is indeed you as a
25 proper pronoun, is that correct?

1 A. Yes.

2 Q. As you sit here today, you still do take issue with the
3 fact that the Court, even though it may be stylistic, has in
4 some instances placed your name in capital letters, is that
5 correct?

6 A. Yes.

7 Q. So when you indicated to the Court at several different
8 proceedings that you were not Evelyn Jean Johnson, is your
9 testimony that you were, in fact, speaking directly to the
10 fact that your name had been appearing in all caps?

11 A. Yes.

12 Q. Okay. So it was not your intent to lie to the Court,
13 is that correct?

14 A. No, never been.

15 Q. I want to clear up another matter that was brought up
16 by the prosecutor. Now at some point you were told by Judge
17 Rosenstengel that you were going to be required to appear for
18 jury trial, is that correct?

19 A. I was told by --

20 Q. Judge Rosenstengel that you were going to be required
21 to appear for jury trial.

22 A. (Inaudible.)

23 COURT REPORTER: I'm sorry, what was the answer?

24 A. Can you do it again please?

25 Q. Yes. At some point you were informed or told by Judge

1 Rosenstengel that you were going to have to appear for jury
2 trial, is that correct, on your underlying case?

3 A. I cannot say that everything I am recalling is coming
4 through my attorney, so if she said that directly to me I
5 don't remember.

6 Q. Okay. At that time were you anticipating or were you
7 -- strike that. Did Judge Rosenstengel, to your knowledge,
8 tell you, in reference to your underlying trial, tell you to
9 expect or anticipate any mailings?

10 A. Not that I recall.

11 Q. Okay. So in that particular instance the oral
12 pronouncement was sufficient, is that correct?

13 A. In all honesty, all I can remember from the oral
14 pronouncement is 18 months.

15 Q. That is in reference to your sentencing. Now I am
16 referencing the underlying circumstance. I believe that the
17 Government asked whether or not when you were told you needed
18 to report for trial, you felt as if you had discretion for
19 your underlying case?

20 A. All other reportings that I have ever seen from my
21 lawyer -- maybe I am confused with the Judge -- I don't
22 believe directly ever told me to show up for trial.
23 Everything was at that point done through my lawyer.

24 Q. Okay. The information provided by your lawyer in those
25 instances though you took as being sufficient, is that

1 correct?

2 A. Yes.

3 Q. And in this particular instance after you had been
4 sentenced, the Judge gave an oral pronouncement, is that
5 correct?

6 A. The sentence?

7 Q. The sentence.

8 A. Yes.

9 Q. But then also told you to anticipate a letter in the
10 mail, is that correct?

11 A. I cannot say I remember that standing in front of her.
12 I remember it from the transcript. The information that I was
13 to expect in the mail came. She did -- I do remember her
14 telling me to report to PO, to the probation office. As far
15 as I remember, that information came from him, that I was
16 supposed to get information, get it signed, and get it back to
17 him.

18 Q. Okay. Did that create the expectation that you had for
19 mailings?

20 A. Yes.

21 Q. There also has been -- you also had some questions with
22 regard to being on release versus being on bond. At the time
23 or following your sentence, what was your understanding of how
24 you were being released?

25 A. There was no understanding. I still don't recall her

1 saying I am released on bond. Again, the bond paperwork was
2 signed in 2015. I am not understanding how bond work. It
3 says failure to appear, and I have been accused of failure to
4 appear twice, so I don't know if that exhausts the bond, but I
5 have also been under pre-trial from this point, so I am just
6 starting to learn, kind of understand what is going on. I
7 have no idea.

8 Q. You didn't have a cognitive or independent
9 understanding as to whether or not you were on release or bond
10 at the time of your sentencing?

11 A. The only time that I knew I was on bond was when I
12 initially signed the bond paperwork. If I remember correctly,
13 it may have been for \$5,000. I don't know. I am not sure of
14 all the information they had on there. I don't know that
15 because it has been that long possibly since I have looked at
16 the original paperwork. Other than that, all I seen was
17 copies of that. I haven't seen anything with the original
18 paperwork. That is the only thing I know that I had to sign
19 was that one time aside from signing a waiver at sentencing.

20 Q. Lastly, when Isaac Huddleston provided you with the
21 mailing on February 28th -- strike that. Prior to that, had
22 Isaac Huddleston to your knowledge provided you with any other
23 writings to denote where you were supposed to go and when you
24 were supposed to report?

25 A. No.

1 MS. ANTHONY: No further questions, Your Honor.

2 THE COURT: Recross Mr. Smith?

3 RECROSS EXAMINATION

4 Questions by Mr. Smith:

5 Q. Miss Johnson, on redirect you were asked questions
6 about whether your name should be capital or lower case and
7 whether you are Evelyn Johnson capital letters or lower case
8 letters. Do you remember that?

9 A. Yes.

10 Q. All right. You take exception when your name is in
11 upper case, correct? You said you are not Evelyn Johnson if
12 it is all caps?

13 A. Because my name -- anybody name, from what I understand
14 as law, anybody name in all caps equals to what they call a
15 vessel, a ship. In school we were all taught our names are
16 proper nouns. Our names start with a capital letter and lower
17 case, so I mean --

18 Q. Government Exhibit 12, the Affidavit of Truth that you
19 filed?

20 A. Yes.

21 Q. Didn't you style it all capital letters?

22 A. Where?

23 Q. United States of America versus Evelyn Johnson filed
24 January 22nd of 2016?

25 A. Hmm, okay.

1 Q. Signed by Evelyn Johnson. You put all caps?

2 A. I did do that. I believe I did that. Again, being
3 young at Court proceedings.

4 MR. SMITH: I have nothing further, Your Honor.

5 THE COURT: Miss Anthony?

6 RE-DIRECT EXAMINATION

7 Questions by Ms. Anthony:

8 Q. Just a point of clarification. When you were answering
9 to the Judge in those other proceedings with regard to whether
10 or not you were Evelyn Jean Johnson, it was specifically
11 because you saw your name in all caps?

12 A. Yes.

13 MS. ANTHONY: No further questions.

14 THE COURT: Okay, folks, let's take about a 15-minute
15 break. We'll do some legal stuff.

16

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21 I certify that the foregoing is a correct transcript
22 from the record of proceedings in the above-entitled matter.

23

24 SS/Barbara Kniepmann

January 27, 2019

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I N D E XPAGE LINE

EVELYN JEAN JOHNSON

DIRECT EXAMINATION

2 16

CROSS EXAMINATION

12 18

REDIRECT EXAMINATION

31 1

RECROSS EXAMINATION

36 3

RE-DIRECT EXAMINATION

37 6